

DEPT. OF COMMUNITY DEVELOPMENT

PLANNING DIVISION 301 W. CHESTNUT

PHONE: (479) 621-1186 FAX: (479) 986-6896

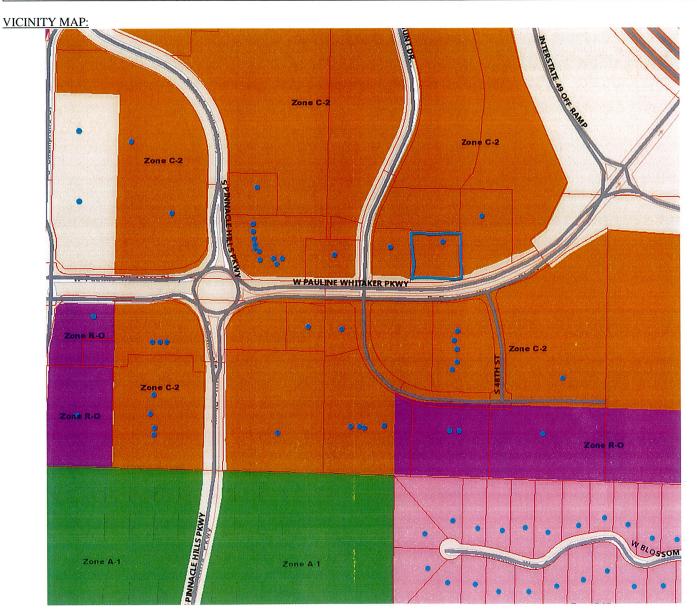
June 21, 2018

STAFF SUMMARY REPORT

TO: BOARD OF ADJUSTMENT

SUBJECT: VARIANCE #18-39 - CHICK-FIL-A

ADDRESS:	4893 Pauline Whitaker Parkway
LAND OWNER:	PH Land Lease II LLC
APPLICANT/REP:	Blew & Associates
ZONING DISTRICT:	C-2 (Highway Commercial) District
REQUEST:	Front Yard Setback Reduction
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances



BACKGROUND

- The applicant found that their proposed canopy would be located in the front yard setback. The applicant needs a variance to reduce the setback before a building permit can be issued for the canopy as planned, as shown in Tab 1.
- Per Sec. 14-709(d)(2), the front yard setback shall be 65 feet. The applicant requests to reduce the front yard setback from 65 feet to 25

STAFF REVIEW

ENGINEERING REVIEW: N/A

PLANNING REVIEW:

- Land Use: N/A
- Disposition of Structures: The existing building meets the setbacks listed for the C-2 zoning district.
- Hardship: Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- General Findings: The applicant requests a front yard setback from 65' to 25' to place a canopy over the restaurants drive-thru. The proposed canopy would be located in the middle of a utility easement which contains a sanitary sewer and gas line. The applicant would have to get all utility companies to sign off on the attached setback reduction survey before it could get approved. The applicant should have reconfigured their site plan to accommodate a canopy when they came through with a large-scale plan in 2017. Staff cannot identify any site specific hardship to justify the need for this setback reduction. This variance could have negative impacts on adjacent property as it would extend closer to the right of way for Pauline Whitaker Parkway than any other structure in the area. This request is not in keeping with the spirit and intent of the provisions of the zoning ordinance. Overall, staff recommends denial of this request.
- Views of Others: No supporting or opposing comments have been received by the Planning Division.
- **RECOMMENDATIONS:**
 - Deny. The applicant must provide an official setback and utility easement reduction survey if the variance is approved.

ELIZABETH TREAT, District Planner City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

"Motion to deny the variance request for a front yard setback reduction from 65 feet to 25 feet as presented."

DIRECTOR'S COMMENTS:

Agree with recommendations and suggested motion.

C. McCURDY, Director

City of Rogers Department of Community Development

Tabs:

available to the officials during discussion and consideration.

- Variance application and required supplements
- Map and/or photos



DEPT. OF COMMUNITY DEVELOPMENT PLANNING DIVISION 301-W. CHESTNUT

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OFFICE USE ONLY				
Permit Fee:(\$100)				
Zoning: C-Z				
App Number:				
CityView Application: PLZ0\800 309				
Date:(0/\4/70\8				

VARIANCE APPLICATION

APPLICANT: Cnick-fil-A					
ADDRESS: 4893 Pauline Whitaker Pkwy, Rogers, AR 72758 SUITE #:					
GENERAL LOCATION OF PROPERTY: 4893 Pauline Whitaker Pkwy, Rogers, AR 72758					
PHONE #: 770-573-4801 EMAIL: tmrogers@greydenllc.com & joe@blewin					
PROPERTY OWNER: PH Land Lease II LLC PHONE #: 770-573-4801					
NATURE OF APPEAL: Appeal from decision of enforcement officer Variance from zoning ordinance					
EXPLAIN REQUEST: Setback request is for the canopy's at the drive thru, to allow patrons					
to order at the menu board during adverse weather conditions.					
6-14-2018					
Applicant Signature Date					
Attachment Checklist:					
 □ Letter explaining hardship or reason for request □ Legal description of property □ Relevant supporting documents □ Survey or sign proofs as needed 					
PLANNING STAFF PROVIDES:					
DATE FILED: 6/14/18 PUBLIC HEARING DATE: 6/78/18					
BOARD OF ADJUSTMENT DECISION:					
SECRETARY, BOARD OF ADJUSTMENT DATE					



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** in the **Community Room** at City Hall at 301 W Chestnut Street on **June 28, 2018** at **4:00 p.m.** on the application by **Chick-fil-a** under the provisions of the City of Rogers Code of Ordinances, for a **variance to allow a front setback reduction from 65' to 25'** at **4893 Pauline Whitaker Parkway** in the city's **C-2** (Highway Commercial) zoning district, more particularly described as follows:

LEGAL DESCRIPTION:

LOT 9A1, PINNACLE HEIGHTS SUBDIVISION, CITY OF ROGERS, PER PLAT BOOK 2017, PAGE 497 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION:

4893 Pauline Whitaker Parkway

Juli Zimmerman, Secretary Board of Adjustment

PUBLISH ONE TIME ONLY: June 18, 2018

BILL THE CITY OF ROGERS

June 14, 2018

City of Rogers Beth Treat 301 W. Chestnut St. Rogers, AR 72756

SUBJECT: Variance for Building Setback Reduction

To Whom It May Concern:

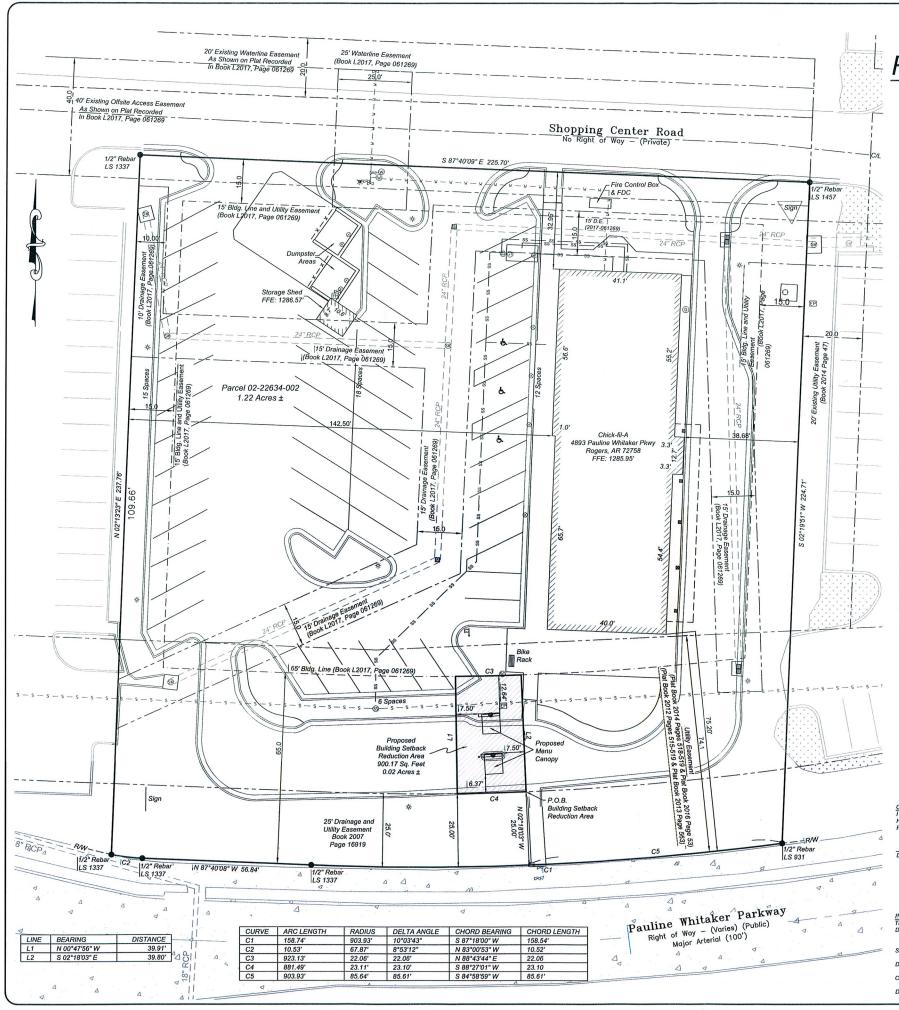
Chick-fil-A is asking for a variance on the existing front building setback to allow a canopy over the menu boards. This is a standard practice for Chick-fil-A, the canopy is a large canopy for employees to walk under taking orders for 3 cars in each lane to speed up the drive thru and prevent backups. It has fans, lights, and in some cases heaters to protect the employees taking orders on iPads. There will not be any buildings constructed in the setback only canopy for the menu boards, these are to benefit the health and welfare of the employees and citizens of Rogers, AR.

See exhibit below.



Sincerely,

Joe Orr Blew & Associates, PA



BUILDING SETBACK REDUCTION SURVEY

Chick-fil-A

4893 Pauline Whitaker Pkwy Rogers, AR 72758

Miscellaneous Notes

STATE RECORDING NUMBER

COMPLETED FIELD WORK:

BASIS OF BEARING: ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

<u>REFERENCE DOCUMENTS:</u> 1. SPECIAL WARRANTY DEED FILED IN DEED BOOK 2017 AT PAGE 4667. 2. SURVEY PLAT FILED IN PLAT BOOK L2017 AT PAGE 061269.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE EFFECTIVE DATE OF 6/5/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA

EFFECTIVE DATE OF 6/5/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SUFFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR

Zoning & Setback Information

CURRENT ZONING: C-2 HIGHWAY COMMERCIAL DISTRICT

BUILDING SETBACKS: PER EASEMENT PLAT OF LOT 9A1, PINNACLE HEIGHTS SUBDIVISION, RECORDED IN PLAT BOOK L2017 AT PAGE

Survey Description

PARCEL 02-22834-02.

LOT 9A1. PINNACLE HEIGHTS SUBDIVISION, CITY OF ROGERS, PER PLAT BOOK 2017, PAGE 497

IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS.

PROPOSED BUILDING SETBACK REDUCTION AREA
A PART OF LOT 9A1, PINNACLE HEIGHTS SUBDIVISION, CITY OF ROGERS, PER PLAT BOOK 2017,
PAGE 497 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE SOUTHEAST CORNER
OF SAID LOT 9A1 AND RUNNING THENCE WITH A CURVE TO THE RIGHT. HAVING A RADIUS OF
903.93', WITH A CHORD BEARING AND DISTANCE OF 884'58'59'W 85.61', THENCE NO2'18'03'W
25.00' FOR THE POINT OF BEGINNING, THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS
OF 881.49', WITH A CHORD BEARING AND DISTANCE OF \$88'27'01'W 23.10', THENCE MO0'47'56"E
39.91', THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 923.13', WITH A CHORD
BEARING OF N88'43'44'E 2206', THENCE S02'18'03'E 39.80' TO THE POINT OF BEGINNING.
CONTAINING 0.02 ACRES, MORE OR LESS.

Legend of Symbols & Abbreviations

BOUNDARY LINE
CENTERLINE OF ROAD (C/L) CENTERLINE OF ROAD
RIGHT-OF-WAY (RW)
EASEMENT
X X X BUILDING SET BACK
SEVER LINE
SEVER LINE
SEVER SERVICE LINE
FOUND MODULENT AS N
SANITARY SEVER
OF AS METER VALVE
OF AS METER VALVE
OF TELEPHOLE BOX
TELEPHOLE BOX
WATER WATER WATER
SEVER SEVER SERVICE LINE
FOUND MODULENT AS N
SANITARY SEVER
TELEPHOLE BOX
TELEPHOLE BOX
TELEPHOLE BOX
TELEPHOLE SEVER
SEVER SEVER

FIRE HYDRANT

FLAG POLE ELECTRIC PEDESTA GREASE TRAP 8" STORM CLEANOUT BOLLARD
ARCHITECTURAL COLUMN
FIRE DEPARTMENT CONNECTION POINT OF BEGINNING
POINT OF COMMENCEMENT

LIGHT POLE
HANDICAP PARKING
FIBER OPTIC BOX
GRATED INLET
YARD HYDRANT

CERTIFICATE OF OWNERSHIP & DEDICATION:
I HEREON CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON AND I DO
HEREBY DEDICATE ALL STREET, ACCESS, UTILITY & DRAINAGE EASEMENTS TO PUBLIC OR
PRIVATE USE AS INDICATED.

PLANNING BOARD APPROVAL:
THIS PLAT WAS APPROVED BY THE CITY OF ROGERS, DEPARTMENT OF COMMUNITY
THE PLAT WAS APPROVED BY THE CITY OF ROGERS, DEPARTMENT OF COMMUNITY
THE PLAT WAS APPROVED BY THE PLAT OF THE PROPERTY OF THE

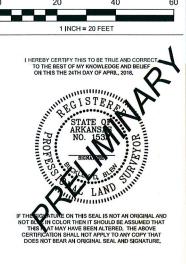
COMMUNITY DEVELOPMENT DIRECTO

Chick-fil-A, Inc.

Vicinity Map (49)

263

Recording Block





524 W. SYCAMORE ST, SUITE 4 FAYETTEVILLE, ARKANSAS 72703 OFFICE: 479.443.4506 FAX: 479.582.1883 www.BLEWINC.com

Certificate of Authorization № 1534

DRIWN BY & DATE: J.C 4/24/2018	REVIEWED BY: W.L.	SURVEYED BY: J.P
COUNTY & STATE:	JOB NUMBER:	
BENTON COUNTY, ARKANSAS		18-1359

LOT 9A1, PINNACLE HEIGHTS SUBDIVISION